

February 23, 2023  
The Honorable Judge Ronnie Abrams  
United States District Court Southern District of New York  
40 Foley Square, Room 2203 New York, NY 10007

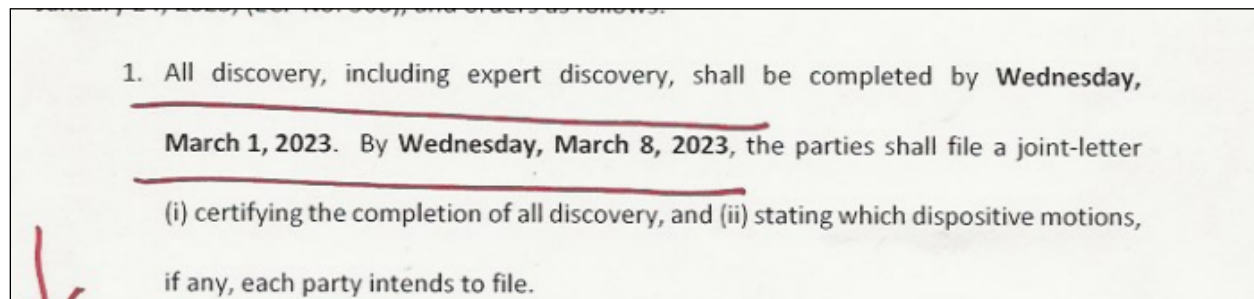
The Honorable Judge Sarah L. Cave  
United States District Court Southern District of New York  
500 Pearl St., Courtroom 18A New York, NY 10007-1312

**RE: Plaintiff's Response to Judge Cave's Feb. 23, 2023 Order Doc. 375. Request to file Permission to Serve Discovery Request or to file a Motion for Leave of Court Asking Permission to Open Discovery for Plaintiff's Second Amended Complaint Granted on Feb. 3, 2023.**

To Honorable Judge Sarah L. Cave and the Honorable Judge Ronnie Abrams:

Pro Se Plaintiff set forth a second letter dated Feb. 23, 2023 to the Court. I do so as result of my limited legal knowledge of proper protocol and with my sincere apologies to the Court. I surmised from reading Your Honor's Order in Doc. 375 that it is proper and necessary to request permission of the Court to serve Discovery requests or open Discovery in pursuit of further evidence/requests in support of Plaintiff's newly granted Amended Complaint. I noticed Your Honor made a point to state *"To date, no party has requested such permission to serve Discovery request"*. Please allow me to correct my absence of knowledge and to cure my unintended mistake. I ask the Court's permission to serve Discovery requests at this time.

On Feb. 3, 2023, when Your Honor granted my Amendment to include claims of Fraud, Tort and Intentional Infliction of Emotional Distress, I unintentionally and incorrectly assumed that Discovery was open. Please note that I did contact the NYLAG office for direction as I noted in Doc. 376. I did not know to inquire about Discovery and assumed Expert Discovery was automatically opened from the written statement in Doc. 361 filed on Jan. 24, 2023. Since "Wed. March 1, 2023 is the end of all Discovery, including expert discovery" I was incorrect in assuming from this notation below, that Discovery including expert discovery, was indeed open till March 1, 2023. I ask the Court to please clarify what needs to be completed and what is the meaning of *"All discovery, including expert discovery shall be completed"*. Please see boxed excerpt below, No. 1 in Doc. 361. This may explain to the Court Plaintiff's assumptions and my reason why I thought I had time to file my expert witness reports and had subpoenas issued.



1. All discovery, including expert discovery, shall be completed by Wednesday, March 1, 2023. By Wednesday, March 8, 2023, the parties shall file a joint-letter (i) certifying the completion of all discovery, and (ii) stating which dispositive motions, if any, each party intends to file.

In reading Doc. 375, I am now aware that the deadline for Fact Discovery and expert reports was set for December 19, 2022. It is difficult for a Pro se litigant to see the subtlety. Dec. 19, 2022, was also the same date my Leave to Amend my Complaint to include Fraud, Tort and Intentional Infliction of Emotional Distress was due. On Dec. 27, 2022 my Leave to Amend was Granted. I am now further educated to the facts of procedures. I was incorrect in assuming Discovery was NOT automatically opened once the Defendants filed their Answers to my Second Amended Complaint on Feb. 16, 2023. This is the reason why I had subpoenas issued the following day, on Feb. 17, 2023. Moreover, on Jan. 19, 2023 Defendants filed new and pertinent

information that is in need of clarification and the production of documented proof. My request for permission to serve Discovery or to open Discovery, is in part based on Defendant newly produced report and Declaration which was submitted one month after fact Discovery ended on Dec. 19, 2022. Plaintiff's review of the new Jan. 19, 2023 documents warrants my request for the production of documents from Defendants listed in my subpoenas. On Feb, 22, 2022, I did forward Doc, 361 and Doc, 367 to the Defendants as my assumption for my filing my expert reports for Dr. Scelsa on Feb. 16, 2023 and Gayle M. Skluzacek on Feb. 21, 2023, this includes the emailed Feb 17, 2023 subpoenas. The Feb. 3, rd Order clarifies that Judge Ronnie Abrams will decide the determination of witnesses in this case, As a result, I submitted my expert reports.

(2) Ms. Trombetta may request leave to call at trial witnesses whom she previously proposed as experts, but Defendants will have the right to oppose her request, and the ultimate determination of which witnesses Ms. Trombetta (and Defendants, for that matter), may call at trial, will be made by the Honorable Ronnie Abrams, who will preside over the trial. The deadline for a final pretrial order, in which the parties will list the witnesses they intend to call at trial, has not been set, and will not be set, until

I formally and politely ask for permission of the Court to either serve Discovery Requests and/ or ask permission for Leave to file a Motion with the Court to briefly re open Discovery in response and in support of Plaintiff's new claims in my Second Amended Complaint. Additionally my request for permission to serve Discovery requests is as aforementioned, in tandem with Defendants Jan. 19, 2023 newly filed documents. My reasons to reopen Discovery also pertains to my two expert witnesses who were specifically selected and listed as expert witnesses since June 2022. Their testimony will assuredly verify my newly granted claims for Fraud, Tort and Intentional Infliction of Emotional Distress. I kindly ask for the Court's reconsideration due to my lack of legal experience.

Dated: February 23, 2023

Respectfully Submitted,

Pro Se Litigant  
Annamarie Trombetta  
175 East 96th Street  
New York, New York 10128

\_\_\_\_ Electronic Signature \_\_\_\_

/s/ Annamarie Trombetta February 23, 2023

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Annamarie Trombetta Pro Se Litigant